

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RONALD J. ALLISON,
Plaintiff,

v.

U.S. DISTRICT COURTS CLERKS
OFFICE,
Defendant.

Case No. 2:22-cv-01114-CDS-EJY

REPORT AND RECOMMENDATION

The Court issues this Report and Recommendation recommending that Plaintiff, Ronald Allison, be declared a vexatious litigant. This recommendation arises from Mr. Allison's attempt to initiate 123 distinct cases in the U.S. District Court for the District of Nevada. The Court further recommends that Mr. Allison's instant case be dismissed with prejudice. Mr. Allison once again failed to file an application to proceed *in forma pauperis*, failed to style his initiating document as a complaint, as required by Local Special Rule 2-1,¹ and seeks to assert frivolous conspiracy, organized crime, and obstruction of justice claims, as well as due process violations, against the U.S. District Court for the District of Nevada Clerk's Office.

I. Discussion

A. Plaintiff asserts a frivolous claim against the U.S. District Court Clerk's Office.

District courts have the authority to dismiss cases sua sponte without notice to the plaintiff when he "cannot possibly win relief." *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988). A complaint should be dismissed for failure to state a claim upon which relief may be granted "if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief." *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, "a finding of factual

¹ LSR 2-1 states: "A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court's form."

1 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly
 2 incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton*
 3 *v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be
 4 given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of
 5 the complaint that the deficiencies could not be cured by amendment. *Cato v. United States*, 70 F.3d
 6 1103, 1106 (9th Cir. 1995).

7 In the instant matter, Plaintiff submitted a single page initiating document that (1) in one
 8 paragraph lists the alleged wrongdoing by the U.S. District Court Clerk’s Office, and (2) in a second
 9 paragraph states, as conclusions, that the Clerk’s Office is using Local Rules and Nevada Revised
 10 Statutes to break federal laws. ECF No. 1-2 at 1. Plaintiff’s claims are meritless as there are no facts
 11 to support the allegations made. *Id.* Moreover, Plaintiff’s claims are frivolous because the Clerk’s
 12 Office is immune from suit. *Polk v. Du*, Case No. 3:15-cv-0488-RCJ-WGC, 2016 WL 1725974, at
 13 *5 (D. Nev. Mar. 4, 2016) *citing Mullis v. U.S. Bankr. Court*, 828 F.2d 1385, 1390 (9th Cir. 1987)
 14 (internal citations omitted). Because the Clerk’s Office is immune from suit, the Court recommends
 15 the instant matter be dismissed with prejudice.

16 B. Plaintiff should be required to show cause why he is not a vexatious litigant.

17 The All Writs Act, 28 U.S.C. § 1651(a), empowers federal district courts to enjoin vexatious
 18 litigants who have a history of abusing the court’s limited resources. *De Long v. Hennessey*, 912
 19 F.2d 1144, 1147 (9th Cir. 1990). Under the All Writs Act, a district court may order a person with
 20 lengthy histories of abusive litigation—a vexatious litigant—to obtain leave of court before filing
 21 any future lawsuits. *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007). As
 22 explained in *De Long*, “[f]lagrant abuse of the judicial process cannot be tolerated because it enables
 23 one person to preempt the use of judicial time that properly could be used to consider the meritorious
 24 claims of other litigants.” 912 F.2d at 1148. In contrast, the Ninth Circuit has cautioned district
 25 courts that vexatious litigant orders are an extreme remedy and should rarely be entered. *Id.* (citing
 26 *Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1523–26 (9th Cir. 1984)). Such
 27 an order restricts access to the courts, which is a litigant’s “final safeguard for vitally important
 28

1 constitutional rights.” *Wood*, 705 F.2d at 1525. “The plaintiff’s claims must not only be numerous,
2 but also be patently without merit.” *Moy v. United States*, 906 F.2d 467, 470 (9th Cir. 1990).

3 In deciding whether to restrict a litigant’s access to the courts, the Court must determine
4 “whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial
5 process and harass other parties.” *Molski v. Mandarin Touch Rest.*, 347 F.Supp.2d 860, 863-64
6 (C.D. Cal. 2004) (quoting *Safir v. United States Lines, Inc.*, 792 F.2d 19, 23 (2nd Cir. 1986). In
7 doing so, courts examine five factors: “(1) the litigant’s history of litigation and in particular whether
8 it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant’s motive in pursuing the
9 litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether
10 the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other
11 parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other
12 sanctions would be adequate to protect the courts and other parties.” *Id.* at 864.

13 Here, based on an analysis as of July 14, 2022, Plaintiff had filed 123 lawsuits with the U.S.
14 District Court for the District of Nevada. *See* Exhibit 1 attached hereto. Despite numerous orders
15 by various judges giving Plaintiff an opportunity to correct defective filings, he has not once done
16 so. *See*, by way of example only, Case Nos. 20-cv-111-APG-EJY (ECF Nos. 1, 2, 5); 20-cv-168-
17 RFB-NJK (ECF Nos. 1, 3, 5); 20-cv-1631-JAD-BNW (ECF Nos. 1, 3, 4); 21-cv-1225-GMN-NJK
18 (ECF No. 1, 3, 5); 21-cv-1324-APG-DJA (ECF Nos. 1, 3, 5); and, 22-cv-302-APG-VCF (ECF Nos.
19 1, 3, 4). Plaintiff has also filed suit on numerous occasions against entities and individuals that
20 cannot proceed as a matter of law. *See*, by way of example only, Case Nos. 21-cv-148-RFB-EJY;
21 21-cv-1542-JAD-NJK; 21-cv-1769-JAD-NJK; and, 22-cv-264-APG-NJK. Plaintiff has also filed
22 innumerable frivolous matters against entities, persons or both that do not and cannot state a claim.
23 *See* Case Nos. 20-cv-1612-GMN-NJK (asserting a class action against Clark County Detention
24 Center, and seeking to advertise on television); 20-cv-1228-JCM-BNW (asserting a claim on behalf
25 of himself and the “Global World of Gamblers and Gamers who have Taken a Monetary Loss in Las
26 Vegas” against “all casinos”); 21-cv-1604-RFB-EJY (asserting a claim based on “Black Mold
27 Poisoning” as “Mass Murder of Inmates” on behalf of himself and “all hostages in competency
28 program SCAM” against the U.S. District Courts, Clark County Justice Courts, and All

Conspirators”); 21-cv-1605-JAD-BNW (in which Plaintiff brings claims against the U.S. District Courts, Stein Forensics Unit, and “All Other Mental Clinics used for Fraud of U.S. Tax Payer Dollars” on behalf of “Plaintiffs” for the “[b]ig [f]raud, [o]peration in [s]outhern Nevada” apparently arising from defendants being held without bail for murder, kidnapping, organized crime, racketeering, retaliation, “and a couple more charges”); 21-cv-1628-APG-BNW (asserting claims against U.S. Treasury Dept seeking a competency audit of “court program”); and, 22-cv-1114-CDS-EJY (asserting conspiracy, organized crime, due process and obstruction of justice against the U.S. District Court for the District of Nevada Clerk’s Office).

The repeated, endless litigation pursued by Plaintiff, who may, giving him the benefit of every doubt, have some subjective belief that he brings meritorious issues to the Court’s attention, does not have an objective, good faith basis for repeatedly failing to file *in forma pauperis* applications, suing entities based on one to three page submissions that are frivolous, and repeatedly suing immune entities and individuals with no possibility of prevailing on any of the claims he asserts. Plaintiff is causing needless expense and posing an extraordinary, unnecessary burden on the Court.² Despite explaining to Plaintiff on countless occasions how to initiate a proper claim, and despite sending Plaintiff the instructions for filing an *in forma pauperis* application in excess of 50 times, Plaintiff persists in ignoring the Court’s instructions.

Understanding the regard for the constitutional underpinning of the right to access the Court, and after careful consideration of this right, the undersigned recommends Plaintiff be given notice of this recommendation to find him a vexatious litigant. The notice should include the list of all cases leading to the recommendation (Exhibit 1 hereto), and an opportunity to respond to this recommendation before an Order is entered. *De Long*, 912 F.2d at 1147; *Ringgold-Lockhart*, 761 F.3d at 1062 (citing *De Long*, 912 F.2d at 1147-48).

II. Recommendation

Accordingly, IT IS HEREBY RECOMMENDED that this matter, in which Plaintiff failed to file an *in forma pauperis* application, filed a single page initiating document in violation of LSR 2-1, and asserts claims against a defendant that is immune from suit be dismissed with prejudice.

² Of his 123 times Plaintiff has attempted to initiate a claim, the Court found only one that was allowed to proceed.

1 IT IS FURTHER RECOMMENDED that Plaintiff be ordered to show cause in writing no
2 later than **August 19, 2022**, why he should not be declared a vexatious litigant.

3
4 Dated this 19th day of July, 2022.

5
6 
7 ELAYNA J. YOUCHAH
8 UNITED STATES MAGISTRATE JUDGE

9 **NOTICE**

10 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in
11 writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
12 Supreme Court has held that the courts of appeal may determine that an appeal has been waived due
13 to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985),
14 *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections
15 within the specified time and (2) failure to properly address and brief the objectionable issues waives
16 the right to appeal the District Court's order and/or appeal factual issues from the order of the District
17 Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*,
18 708 F.2d 452, 454 (9th Cir. 1983).

EXHIBIT 1

Case #	Title	Filed	Closed
2:20-cv-00111-APG-EJY	Allison v. CCDC	1/15/2020	3/13/2020
2:20-cv-00168-RFB-NJK	Allison v. CCDC	1/22/2020	3/11/2020
2:20-cv-00216-RFB-BNW	Allison v. CCDC	1/30/2020	3/13/2020
2:20-cv-01612-GMN-NJK	Allison v. CCDC	9/1/2020	12/29/2020
2:20-cv-01628-RFB-DJA	Allison v. CCDC	9/1/2020	11/16/2020
2:20-cv-01631-JAD-BNW	Allison v. CCDC	9/1/2020	11/13/2020
2:20-cv-01632-RFB-DJA	Allison v. CCDC et al	9/1/2020	1/28/2022
2:20-cv-01707-GMN-NJK	Allison v. CCDC Medical Psych Dept	9/14/2020	5/17/2021
2:20-cv-01803-KJD-EJY	Allison v. Commissary of CCDC	9/22/2020	5/4/2021
2:20-cv-01810-APG-VCF	Allison v. Clark Co District Attorneys	9/24/2020	4/22/2021
2:20-cv-02026-GMN-DJA	Allison v. CCDC Psychiatric Ward	10/30/2020	1/15/2021
2:20-cv-02070-GMN-EJY	Allison v. Segelblom et al	11/10/2020	7/23/2021
2:20-cv-02183-JAD-NJK	Allison v. Fritz et al	11/30/2020	2/1/2021
2:20-cv-02305-APG-NJK	Allison v. LVMPD et al	12/18/2020	3/26/2021
2:21-cv-00096-JAD-BNW	Allison v. CCDC et al	1/15/2021	4/6/2021
2:21-cv-00126-APG-NJK	Allison v. CCDC Medical et al	1/22/2021	5/14/2021
2:21-cv-00146-JAD-NJK	Allison v. Goodman et al	1/25/2021	3/24/2021
2:21-cv-00147-KJD-BNW	Allison v. Piekarski et al	1/25/2021	10/5/2021
2:21-cv-00148-RFB-EJY	Allison v. Clark County Justice Courts	1/25/2021	
2:21-cv-00149-JAD-DJA	Allison v. CCDC et al	1/25/2021	3/23/2021
2:21-cv-00150-GMN-VCF	Allison v. TSI Security	1/25/2021	2/16/2022
2:21-cv-00163-APG-DJA	Allison v. Clark Co District Attorney	1/29/2021	3/26/2021
2:21-cv-00164-GMN-NJK	Allison v. Clark County Justice Courts	1/29/2021	4/28/2021
2:21-cv-00165-RFB-BNW	Allison v. CCDC Medical Dept	1/29/2021	6/3/2021
2:21-cv-00167-APG-EJY	Allison v. Piekarski et al	1/29/2021	8/3/2021
2:21-cv-00168-GMN-DJA	Allison v. CCDC	1/29/2021	4/27/2021
2:21-cv-01170-JAD-EJY	Allison v. CCDC	6/21/2021	10/13/2021
2:21-cv-01224-APG-NJK	Allison v. Clark Co Metro PD et al	6/29/2021	11/5/2021
2:21-cv-01225-JAD-VCF	Allison v. CCDC	6/29/2021	10/13/2021
2:21-cv-01226-GMN-NJK	Allison v. CCDC	6/29/2021	9/24/2021
2:21-cv-01227-JAD-DJA	Allison v. Piro et al	6/29/2021	11/5/2021
2:21-cv-01228-JCM-BNW	Allison v. Ceasars Owned et al	6/28/2021	1/28/2022
2:21-cv-01320-JAD-BNW	Allison v. CCDC	7/9/2021	9/21/2021
2:21-cv-01321-JAD-NJK	Allison v. CCDC & Staff	7/13/2021	10/13/2021
2:21-cv-01324-APG-DJA	Allison v. CCDC	7/13/2021	9/24/2021
2:21-cv-01325-RFB-EJY	Allison v. CCDC	7/9/2021	5/11/2022
2:21-cv-01339-RFB-EJY	Allison v. CCDC	7/14/2021	5/23/2022
2:21-cv-01395-JAD-NJK	Allison v. Clark County Courts	7/26/2021	10/12/2021
2:21-cv-01399-JAD-DJA	Allison v. Piro et al	7/23/2021	10/29/2021
2:21-cv-01400-GMN-NJK	Allison v. Clark County, Courts, Jails	7/23/2021	8/12/2021
2:21-cv-01401-RFB-EJY	Allison v. The Employees of Stien Hospital	7/23/2021	
2:21-cv-01411-RFB-VCF	Allison v. The State of Nevada	7/28/2021	
2:21-cv-01541-RFB-VCF	Allison v. Stein Forensics Unit	8/19/2021	
2:21-cv-01542-JAD-NJK	Allison v. Department of Health and Human Services et al	8/19/2021	10/12/2021
2:21-cv-01543-RFB-DJA	Allison v. Stein Health Policy et al	8/19/2021	11/1/2021
2:21-cv-01545-GMN-BNW	Allison v. Nevada Disability Advocacy & Law Center et al	8/19/2021	10/5/2021

2:21-cv-01546-GMN-VCF	Allison v. Stein Forensics Unit	8/19/2021	
2:21-cv-01548-APG-EJY	Allison v. Stein Forensics Unit	8/19/2021	4/1/2022
2:21-cv-01571-GMN-BNW	Allison v. Stein Forensics Unit	8/24/2021	11/5/2021
2:21-cv-01572-RFB-EJY	Allison v. State Facilities	8/24/2021	1/28/2022
2:21-cv-01599-APG-DJA	Allison v. Craig	8/30/2021	12/21/2021
2:21-cv-01600-GMN-EJY	Allison v. Bossi et al	8/30/2021	11/19/2021
2:21-cv-01604-RFB-EJY	Allison v. U.S. District Courts et al	8/30/2021	1/28/2022
2:21-cv-01605-JAD-BNW	Allison v. U.S. District Courts et al	8/30/2021	1/4/2022
2:21-cv-01624-RFB-VCF	Allison v. All Las Vegas Casinos and Gaming Establishments	9/1/2021	
2:21-cv-01625-RFB-BNW	Allison v. 8th & 9th District Attorneys Office's	9/1/2021	1/28/2022
2:21-cv-01626-JAD-NJK	Allison v. Parra et al	9/1/2021	11/5/2021
2:21-cv-01627-GMN-EJY	Allison v. Clark County Nevada Jails	9/1/2021	11/19/2021
2:21-cv-01628-APG-BNW	Allison v. US Treasury Dept	9/1/2021	10/25/2021
2:21-cv-01638-JAD-DJA	Allison v. Homeland Security et al	9/3/2021	11/24/2021
2:21-cv-01665-APG-EJY	Allison v. U.S. Mail et al	9/9/2021	11/22/2021
2:21-cv-01666-GMN-NJK	Allison v. Stein Forensics United and Staff et al	9/9/2021	11/19/2021
2:21-cv-01682-RFB-NJK	Allison v. Stein Forensics Unit & Staff	9/13/2021	2/28/2022
2:21-cv-01683-GMN-BNW	Allison v. Stein Forensics Unit & Staff	9/13/2021	11/29/2021
2:21-cv-01715-APG-DJA	Allison v. Stein Forensics Unit & Staff	9/16/2021	12/1/2021
2:21-cv-01717-GMN-BNW	Allison v. The State of Nevada et al	9/17/2021	12/1/2021
2:21-cv-01718-RFB-BNW	Allison v. Stein Forensics Unit et al	9/17/2021	5/19/2022
2:21-cv-01735-RFB-BNW	Allison v. Stein Physicians et al	9/20/2021	2/28/2022
2:21-cv-01736-GMN-VCF	Allison v. Judge Christy Craig et al	9/21/2021	
2:21-cv-01769-JAD-NJK	Allison v. SSA et al	9/24/2021	10/20/2021
2:21-cv-01784-APG-NJK	Allison v. Staff & Stein Forensics Unit	9/27/2021	12/8/2021
2:21-cv-01786-ART-DJA	Allison v. Sheriff Joe Lombardo et al	9/27/2021	6/3/2022
2:21-cv-01787-JAD-EJY	Allison v. Stein Forensics Unit & Staff	9/27/2021	12/15/2021
2:21-cv-01791-JAD-DJA	Allison v. Stein Forensics Unit & Staff	9/27/2021	12/21/2021
2:21-cv-01814-APG-NJK	Allison v. Stein Forensics Unit & Staff	9/30/2021	12/21/2021
2:21-cv-01852-JAD-DJA	Allison v. US Dist et al	10/6/2021	12/21/2021
2:21-cv-01853-APG-EJY	Allison v. CDC Staff et al	10/6/2021	12/21/2021
2:21-cv-01883-JAD-EJY	Allison v. Stein Treatment Teams	10/12/2021	1/5/2022
2:21-cv-01884-APG-NJK	Allison v. Stein Forensics Unit et al	10/12/2021	12/21/2021
2:21-cv-02024-GMN-DJA	Allison v. Stein Forensics Unit	11/8/2021	1/18/2022
2:21-cv-02025-RFB-BNW	Allison v. Stein Forensics Unit	11/8/2021	2/28/2022
2:21-cv-02027-RFB-NJK	Allison v. Stein Forensics Unit	11/8/2021	5/16/2022
2:21-cv-02217-RFB-EJY	Allison v. LVMPD et al	12/17/2021	5/6/2022
2:21-cv-02255-RFB-DJA	Allison v. Goodman et al	12/29/2021	5/11/2022
2:21-cv-02256-GMN-NJK	Allison v. Goodman et al	12/29/2021	5/10/2022
2:21-cv-02257-JAD-DJA	Allison v. All Doctors Listed on the Falsified Order of Commitment	12/29/2021	4/12/2022
2:22-cv-00015-GMN-EJY	Allison v. CDC Staff	1/4/2022	4/5/2022
2:22-cv-00016-GMN-NJK	Allison v. LVMPD	1/4/2022	5/10/2022
2:22-cv-00017-JAD-BNW	Allison v. Chio	1/4/2022	2/18/2022
2:22-cv-00018-RFB-BNW	Allison v. Cosmopolitan Casino of LV	1/4/2022	5/6/2022
2:22-cv-00044-JAD-VCF	Allison v. Goodman	1/10/2022	
2:22-cv-00183-RFB-VCF	Allison v. Office of Public Defenders of Clark Co., NV	2/1/2022	3/18/2022
2:22-cv-00239-RFB-VCF	Allison v. Clark Co. Dist. Atty's Ofc, et al	2/7/2022	

2:22-cv-00264-APG-NJK	Allison v. District Courts	2/11/2022	5/18/2022
2:22-cv-00265-GMN-EJY	Allison v. LVMPD	2/11/2022	4/19/2022
2:22-cv-00266-JAD-BNW	Allison v. LVMPD	2/11/2022	4/8/2022
2:22-cv-00267-APG-DJA	Allison v. Las Vegas Intl Airport Security Co.	2/11/2022	6/29/2022
2:22-cv-00268-GMN-NJK	Allison v. Enterprise Rental Car	2/11/2022	5/9/2022
2:22-cv-00269-RFB-VCF	Allison v. The Illegal Monopoly of a Court System of Clark Co.	2/11/2022	
2:22-cv-00270-JAD-VCF	Allison v. Dist. Attorney of JC12	2/11/2022	
2:22-cv-00302-APG-VCF	Allison v. CCDC	2/18/2022	6/1/2022
2:22-cv-00329-GMN-EJY	Allison v. The State of Nevada et al	2/23/2022	5/19/2022
2:22-cv-00330-RFB-NJK	Allison v. The U.S. Federal Govt	2/23/2022	6/24/2022
2:22-cv-00331-JAD-VCF	Allison v. LVMPD	2/23/2022	6/8/2022
2:22-cv-00332-GMN-DJA	Allison v. The State of Nevada and All Officials	2/23/2022	5/30/2022
2:22-cv-00333-GMN-BNW	Allison v. Nevada Dist. Courts et al	2/23/2022	6/22/2022
2:22-cv-00479-RFB-EJY	Allison v. Booking Offices of CCDC	3/17/2022	
2:22-cv-00524-APG-BNW	Allison v. LVMPD Officers	3/24/2022	
2:22-cv-00692-CDS-VCF	Allison v. CCDC	4/25/2022	5/2/2022
2:22-cv-00770-RFB-NJK	Allison v. Office of the Public Defenders	5/16/2022	
2:22-cv-00772-ART-VCF	Allison v. CCDC and Medical Staff	5/16/2022	
2:22-cv-00805-RFB-EJY	Allison v. CCDC	5/20/2022	
2:22-cv-00873-ART-BNW	Allison v. CCDC et al	6/1/2022	
2:22-cv-00926-GMN-EJY	Allison v. CCDC	6/8/2022	6/14/2022
2:22-cv-00993-GMN-DJA	Allison v. Law Office of Andrew Fritz	6/23/2022	
2:22-cv-00994-RFB-NJK	Allison v. VanLuven	6/23/2022	
2:22-cv-01061-JAD-DJA	Allison v. Office of the Public Defender	7/6/2022	
2:22-cv-01062-JAD-EJY	Allison v. CCDC Food Service and Health Dept	7/6/2022	
2:22-cv-01064-APG-NJK	Allison v. CCDC Medical Dept	7/6/2022	
2:22-cv-01065-CDS-VCF	Allison v. CCDC	7/6/2022	
2:22-cv-01112-JAD-DJA	Allison v. The State of Nevada	7/8/2022	
2:22-cv-01113-GMN-VCF	Allison v. All Casinos of Las Vegas	7/8/2022	
2:22-cv-01114-CDS-EJY	Allison v. U.S. District Courts Clerks Office	7/8/2022	